IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE K.M.JOSEPH

FRIDAY, THE 19TH OCTOBER 2007 / 27TH ASWINA 1929

WP(C).No. 27119 of 2007(C)

PETITIONERS:

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1. NANU,
MUKKATTUPARAMBIL HOUSE,KUTTAPUZHA P.O.,
THIRUVALLA.

2. MADHURAJA PANICKER,
ANJILIMOOTTIL VEEDU,
NELLIMALA P.O.,THIRUVALLA.

3. NARAYANI RAGHAVAN,
PADINJARECHIRA,KAINAKARI EAST,
ALAPPUZHA.

BY ADV. DR.K.P.SATHEESAN
SRI.K.K.GOPINATHAN NAIR
SRI.M.R.JAYAPRASAD
SRI.K.K.RAJEEV
SRI.P.MOHANDAS (ERNAKULAM)

RESPONDENTS:

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1. THE COMMISSIONER OF EXCISE,
EXCISE COMMISSIONERATE, THIRUVANANTHAPURAM.

2. THE ASSISTANT EXCISE COMMISSIONER,
PATHANAMTHITTA.

3. THE CIRCLE ISPECTOR OF EXCISE,
THIRUVALLA EXCISE RANGE, THIRUVALLA.

BY GOVERNMENT PLEADER (SHRI P. K. RAVIKRISHNAN)

THIS WRIT PETITION (CIVIL) HAVING BEEN FINALLY HEARD ON 19/10/2007, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

APPENDIX IN W.P.(C). NO. 27119 OF 2007 C

PETITIONERS' EXHIBITS:

EXT.P1 TRUE COPY OF THE LICENCE NO. PTA/TS/94/07-08 IN RESPECT OF TODDY SHOP NO. 36 ISSUED IN THE NAME OF THE PETITIONERS 1 & 2 BY THE SECOND RESPONDENT DATED 18.4.2007.

EXT.P2 TRUE COPY OF THE LICENCE NO. PTA/TS/73/07-08 IN RESPECT OF TODDY SHOP NO. 32 ISSUED IN FAVOUR OF THE THIRD PETITIONER BY THE 2ND RESPONDENT DATED 16.4.2007.

EXT.P3 TRUE COPY OF THE REPRESENTATION FILED BY PETITIONERS 1 & 2 BEFORE THE 2ND RESPONDENT DATED 4.9.2007.

EXT.P4 TRUE COPY OF THE REPRESENTATION FILED BY THE THIRD PETITIONER BEFORE THE SECOND RESPONDENT DATED 4.9.2007.

RESPONDENTS' EXHIBITS: NIL.

// TRUE COPY//

PS TO JUDGE.

K. M. JOSEPH, J.

W.P.C. NO. 27119 OF 2007 C

Dated this the 19th October, 2007

JUDGMENT

Petitioners have approached this Court on the basis of Exts.P1 and P2 licences, complaining that the third respondent without passing any orders or giving any reasons, is not allowing the petitioners to run the toddy shops. Apparently, the reason is that the re-deployed workers were not being employed. Learned counsel for the petitioners submits that the petitioners are prepared to employ the re-deployed workers. In such circumstances, the Writ Petition is disposed of directing respondents 2 and 3 to allow the petitioners to run the toddy shops in the premises specified in Exts.P1 and P2 licences, subject to the condition that the petitioners employ the re-deployed workers in terms of the licences and the Rules. Should there be any violation, it will be open to the respondents to issue written orders in accordance with law.

K. M. JOSEPH, JUDGE

kbk.